

REMARKS

The present Amendment amends claims 1-24. Therefore, the present application has pending claims 1-24.

The disclosure stands objected to due to informalities noted by the Examiner in paragraph 2 of the Office Action. Particularly, the Examiner request that Applicants update the status of prior application Serial No. 10/457,387. An amendment was made to the specification to update the status of the prior application so as to state that the present application is a continuation of application Serial No. 10/457,387, filed June 10, 2003, now U.S. Patent No. 6,757,782. Therefore, this objection is overcome and should be withdrawn.

Claims 2-6, 8-12, 14-18 and 20-24 stand objected to due to informalities noted by the Examiner in paragraph 3 of the Office Action. Amendments were made to each of these claims to correct the informalities noted by the Examiner. Therefore, Applicants submit that this objection is overcome and should be withdrawn.

Claims 1, 7, 13 and 19 stand rejected under the judicially created doctrine of obviousness type double patenting as being unpatentable over claim 1 of prior patent No. 6,757,782; claims 1-24 stand rejected under the judicially created doctrine of obviousness type double patenting as being unpatentable over claims 1-12 of prior patent No. 6,615,314; and claims 1-24 stand provisionally rejected under the judicially created doctrine of obviousness type double patenting as being unpatentable over claims 1-24 of copending application No. 10/757,936. Applicants do not agree with these rejections. However, in order to expedite prosecution of the present application filed on even date herewith are Terminal Disclaimers obviating

these rejections. Therefore, reconsideration and withdrawal of these rejection is respectfully requested.

It should be noted that the filing of the Terminal Disclaimers was not intended nor should it be considered as an agreement on Applicants part that the features recited in the claims are taught or suggested by the claims of the prior patents or the claims of the copending application. The filing of the Terminal Disclaimers was simply intended to expedite prosecution of the present application.

Claims 13, 14, 18-20 and 24 stand rejected under 35 USC §103(a) as being unpatentable over Anderson (U.S. Patent No. 5,617,425) in view of Johnson (U.S. Patent No. 5,862,314); claims 1, 2, 6-8 and 12 stand rejected under 35 USC §103(a) as being unpatentable Anderson in view of Matoba (U.S. Patent No. 5,611,069) in view of Johnson; claims 15-17 and 21-23 stand rejected under 35 USC §103(a) as being unpatentable over Anderson in view of Johnson and further in view of Brown (U.S. Patent No. 6,148,414); and claims 3-5 and 9-11 stand rejected under 35 USC §103(a) as being unpatentable over Anderson, in view of Matoba, in view of Johnson and in view of Brown.

It should be noted that the above described rejections of claims 1-24 of the present application are the same rejections used by the Examiner to reject claims 1-24 of the copending application Serial No. 10/757,936. Amendments were made to the independent claims of the copending application so as to more clearly recite that the disk units form a plurality of groups each including at least one disk unit from each communication channel and that the data of a disk unit connected to one communication channel of a group can be recovered using data of another disk unit

connected to another communication channel of the group. Based on such amendments in the copending application, the Examiner in charge of the copending, who is the same Examiner for the present application, determined that the claims of the copending application with such amendment overcomes the prior art of record namely, Anderson, Matoba, Johnson and Brown. Allowance of the claims of the copending application based on the above described amendments were confirmed during interviews with Examiner Tran on September 15, 2005.

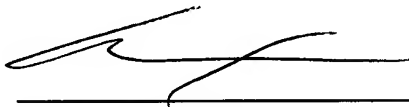
Based on the discussions held with the Examiner regarding the amendments as set forth in the claims of the copending application, the claims of the present application were amended to recite similar features. Specifically, amendments were made to each of the independent claims of the present application to more clearly recite that the disk units form a plurality of groups each including at least one disk unit from each communication channel and that data of a disk unit connected to one communication channel of a group can be recovered using data of another disk unit connected to another communication channel of the group. Since this amendment causes the claims of the present application to recite similar distinguishing features, the same reasons for allowance of claims 1-24 of the copending application apply as well to the claims of the present application. The reasons for allowance as per the copending application is the same for the present application. Further, the Remarks as set forth in the Amendment of the copending application are incorporated herein by reference.

Thus, the claims of the present application are allowable for the same reasons as the claims of the copending application. Early allowance thereof is respectfully requested.

To the extent necessary, the applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, or credit any overpayment of fees, to the deposit account of MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C., Deposit Account No. 50-1417 (500.37509CX3).

Respectfully submitted,

MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C.

A handwritten signature in black ink, appearing to read 'Carl I. Brundidge', is written over a horizontal line.

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